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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/620,214	07/15/2003	Chien-Kuo Wang	PUSA030646 (15749-400)	8752

7590

04/19/2004

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EXAMINER
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SAWHNEY, HARGOBIND S

ART UNIT	PAPER NUMBER
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2875

DATE MAILED: 04/19/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. <b>OK</b>	Applicant(s)	
	10/620,214	WANG, CHIEN-KUO	
	Examiner Hargobind S Sawhney	Art Unit 2875	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 24 March 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4, 8, 9 and 15 is/are rejected.
- 7) ☒ Claim(s) 5-7, 10-14, 16 and 17 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2. Claims 1-4,8,9 and 15 are rejected under 35 U.S.C. 102(e) as being anticipated by Hsu (Patent No.: 6,536,698 B2).

Regarding claims 1-4,8,9 and 15, Hsu ('698 B2) discloses measuring tap (Figures 1 and 2) comprising:

- a housing including a first casing 4 (Figure 2, column 2, lines 23 and 24) and a second casing 3 (Figure 2, column 2, lines 23 and 24);
- the first casing 4 having a lower end – flat horizontal base - with a protruding support base 42,43 (Figure 2, column 2, lines 28-32);
- the second casing 3 of the housing having a lower end –flat horizontal base- with a recess – cavity defined by the boundary walls of the casing 3- receiving the support base 42,43 of the first casing 4 (Figure 2);

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- the housing being a non-symmetrical – with respect to the horizontal axis – structure (Figure 2);
- the first casing 4 and the second casing 3 being non-symmetrical – casing 3 does not have elements 8, 42 and 43 - with each other (Figure 2);
- the first casing 4 having a non-symmetrical – with respect to the vertical axis of the first casing 4- structure (Figure 2);
- the support base of the first casing 4 and that of the second casing 3 being disposed in a horizontal state (Figure 2);
- the second casing 3 having a non-symmetrical – with respect to the vertical axis of the second casing 3 - structure (Figure 2); and
- a scrolling ruler 72 (Figure 2, column 2, lines 52 and 53) mounted in the center of the first casing 4, and having its distal end 73 extending outward from the opening of the first casing 4 (Figures 1 and 2).

***Allowable Subject Matter***

3. Claims 5-7, 10-14, 16 and 17 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The prior art of record, including Hsu (U.S. Patent No. 6,536,698 B2) and Cimorell et al. (U.S. Patent No. 6,612,046 B1), does not show or suggest the applicant's

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invention as claimed. Specifically, the prior art of record does not disclose a measuring tape assembly comprising:

- the first casing having its upper end formed with a concave portion receiving the convex portion formed in the upper end of the second casing as recited in Claim 5;
- the first casing housing a laser head, and the first casing further having a plurality of adjusting screws aligning with the concave portion of the first casing as recited in Claim 10;
- the second casing covering the adjusting screws while overlapping the first casing as recited in Claim 10.

The above-indicated combination, including the concave portion of the upper end of the first casing receiving the corresponding convex portion of the second casing, makes this invention unique.

Further, prior art, including Wakefield (US Patent No.: 6,209,219 B1), Ponce (US Patent No.: 6,581,296 B2) and Tager et al. (US Patent No.: 5,594,993), discloses a measuring tape including a laser head for distance measurements. However, the prior art, including the above-indicated references, does not teach a plurality of adjusting screws and their aligning with the concave portion of the first casing as claimed by the applicant.

Therefore, claims 5 and 10 are objected over prior art.

Claims 6 and 7 are objected because of their dependency on the rejected base Claim 5.

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Claims 11-14, 16 and 17 are objected because of their dependency on the rejected base Claim 11.

### ***Conclusion***

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Lin (U.S. Patent Nos. 6,256,901 B1 and 6,167,635 B1) and Li (US Patent No. 6,030,091

The above-indicated prior arts disclose a distance-measuring device comprising some of the claimed features claimed by the applicant.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hargobind S Sawhney whose telephone number is 571-272-2380. The examiner can normally be reached on 6:15 - 2:45.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra O'Shea can be reached on 571-272-2378. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9306/7724 for regular communications and (703) 872-9306 for After Final communications.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-

2956

HSS

4/13/2003

A handwritten signature in black ink, appearing to read 'Th M Sember', with a stylized, flowing script.

THOMAS M. SEMBER  
PRIMARY EXAMINER